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Draft terms of reference
Ad Hoc Working Group on Trade Efficiency

Agreed text submitted by the Chairman of Drafting Group B

1. To examine how modern organization and technology can be used to foster greater participation in international trade, in particular by small and medium-sized enterprises, giving particular attention to countries and regions less advanced in the area of trade efficiency. In this context, it shall:

(a) identify possiblilities to reduce transactional costs in international trade, particularly through trade facilitation and simplication of trade procedures, thus contributing to the fluidity of international trade flows and developing new trade links between potential and actual trading partners in all regions of the world;

(b) taking into consideration differences in national conditions, practices and legal aspects, develop domestic guidelines or models for trade efficiency including, inter alia, simplifying, rationalizing and grouping formalities, transactions and information sources, consistent with a country's commitments under relevant agreements of the GATT, and other relevant international agreements. In this context, as appropriate, promote the development and establishment of Trade Points.

(c) promote greater understanding and use of Electronic Data Interchange (EDI), including the standards established through UNECE WP4. The Working Group will consider instruments and guidelines for the use of EDI;

(d) evaluate the impact of EDI-related developments and relevant technical and technological innovations on the trade efficiency of firms, and the potential participation of new players in the international trade.

2. To contribute to the utilization of market opportunities by fostering transparency in trade-related information flows, including by increasing international awareness of opportunities to access publicly available market information.

3. To identify areas in which technical co-operation could be necessary in trade efficiency-related areas, with special regard to trade facilitation activities and the establishment of Trade Points, and possibilities to create new trade links thereby; in this context, adequate attention should be devoted to infrastructural and human resources development, and the organization of dissemination of necessary data.

4. The Working Group shall prepare the 1994 international symposium on trade efficiency, as called for in paragraphs 157 and 158 of the Cartagena Commitment. For use at that time, the Working Group shall undertake research, prepare publications, explanatory or educational material including those that emphasize legal or other focuses.

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[*] Note: In the general provision a mention should be made in final text of cooperation with the International Trade Center (ITC), and the work of UNECE Working Party 4.

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Draft of terms of reference
Ad Hoc Working Group on Comparative Experiences with Privatization

Agreed text submitted by the Chairman of Drafting Group A

1. To review the experiences of countries with privatization.

2. To consider medium- and long-term objectives of privatization processes taking into account relevant factors, including the diversity of country situations, in order to promote greater efficiency in economic activities, more effective allocation of resources and the dynamism and competitiveness through restructuring of enterprises and/or economic sectors; employment creation; social benefit distribution and economic development in general.

3. To consider factors pertinent to the design and implementation of privatization programmes, such as, inter-alia, overall development of the private sector; the role of the state, in particular in determining the legal and regulatory framework for privatization, and the scale and pace of the process; criteria for selecting enterprises to be privatized; the relationship between privatization and domestic financial markets; foreign investment; infrastructure; administrative capacity; patterns of ownership and control; corporate performance and competition; employee motivation; public awareness and support; mechanisms for employment creation and, in general, relationships with social development programmes.

4. To elaborate, as possible guidelines for policy-makers, basic elements for consideration in formulating privatization programmes and plans.

5. To serve as a forum for the presentation of national programmes and plans for privatization as well as for the exchange and dissemination of relevent information. In that connection the Ad Hoc Working Group should seek from interested countries the presentation of information on their national experiences and draw on the experience and expertise of non-governmental actors, particularly enterprises, trade unions and the academic community.

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Draft terms of reference
Ad Hoc Working Group on Expansion of
Trading Opportunities for Developing Countries

Agreed text submitted by the Chairman of Drafting Group B

1. To analyze prospects for, and examine ways of, expanding the trade opportunities of developing countries for the diversification and growth of their export supply capability and for the enlargement and improvement of their export market opportunities. In that context to:

(a) consider various national experiences in order to identify national measures, incentives and policies for enhancing the competitiveness of sectors and industries with an export potential;

(b) examine ways to increase export-oriented investment in developing countries by domestic and foreign firms;

(c) research and compare national experiences of the impact of import liberalization on general economic development and exports;

(d) identify trade expansion opportunities for developing countries arising from liberalization of trade measures hindering the access of developing countries exports to markets;

(e) consider the role of trade promotion and marketing as well as the possible impact of improving trade-related information technology and flows on the trade of developing countries.

2. In carrying out the work as foreseen in paragraph 1 above, the working group will analyze and identify product and export market opportunities which are a consequence of developments such as: structural adjustment policies in various countries; trade measures, including liberalization measures such as those adopted to implement the results of the Uruguay Round; and measures and arrangements to promote regional integration. The working group will include the results of this analysis of such product and export market opportunities in its report to the Trade and Development Board.

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Draft terms of reference:

Standing Committee on ECDC

Agreed text submitted by the Chairman of Drafting Group B

1. Examine and review the experience of sub-regional, regional, interregional economic co-operation among developing countries aimed at and analyzing cases of integration and cooperation among developing countries with a view to recommending measures to strengthen and enlarge such cooperation, identifying new potentials for cooperation, including with other countries interested in such cooperation, and identifying new areas of complementarity for fostering ECDC.

2. Consider studies and proposals on economic co-operation and integration, on operational activities and policies in sectors such as trade, money, finance, investment, technology, environment, transport and communication, information, education and training. These activities should aim at strengthening co-operation, enhancing economic growth, increasing trade liberalization and transparency, promoting developing country enterprises and facilitating the integration of developing countries into the world economy, in order to reduce impediments and disincentives that adversely affect the expansion of cooperation among developing countries and promote policies aimed at expansion of trade. The Committee in its work should take into account the special situation and particular difficulties of the LDCs.

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3. Identify the areas, including new ones, through which international organizations, and member States on a voluntary basis, through measures of support can facilitate specific economic co-operation programmes and projects and thereby complement the efforts of developing countries to strengthen South-South trade and economic relations.

4. Review studies and, if appropriate, make proposals on the establishment of, and support for, an interregional trade finance mechanism among developing countries.

5. Facilitate innovative ways of organizing ECDC cooperation on the basis of common interests of particular groups of countries in issues of their specific interest.

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Draft terms of reference
Standing Committee on Developing Services Sectors:
Fostering Competitive Services Sectors in Developing Countries

Agreed text submitted by the Chairman of Drafting Group B

1. To analyze and assist, as appropriate, in the formulation of national policies aimed at strengthening the production, export and technological capacity of services sectors taking into account their level of development in different countries, with a view to contributing to development and, thus, increasing the participation of developing countries in world trade in services. The Committee should focus on:

(a) review of the development of services sectors in developing countries and comparative analysis of policies, including identification of domestic weaknesses and capabilities, aimed at creating the conditions necessary for the development of competitive service sectors and export of services;

(b) policies aimed at developing and strengthening the institutional, technological, and physical infrastructure relating to services;

(c) policies aimed at human resources development, the development of knowledge intensive services, and producer services related to primary and manufacturing sectors and telecommunications;

(d) improving the capacity of individual countries, in particular developing countries to benefit from information related to services production, trade and technology;

(e) identifying sector specific policy options, with a view to developing competitive services sectors;

(f) analyzing issues relating to access to information networks and distribution channels for services;

2. The Committee should also focus on:

(a) examining difficulties particularly faced by developing countries in enhancing exports of services thereby increasing their participation in world trade in services;

(b) the impact of progressive liberalization in the development of competitive service sectors;

(c) policies aimed at enhancing co-operation with other countries, at regional, subregional, and interregional level, including mutual trade liberalization, pooling capabilities to improve skills, distribution networks and infrastructure development;

(d) promoting efficient marketing of export competitive industries and domestic labour skills;

(e) increasing knowledge of laws and regulations concerning the services sector with a view, inter alia to adapting them to the requirements of increasing globalization of services, promoting transparency and mutual knowledge of the pertinent regulations;

(f) collecting and disseminating statistics on trade in services in areas where such collection or dissemination is not being undertaken by other international organizations, and to define ways to improve such collection and dissemination;

3. (i) With reference to paragraph 72 of the Cartagena Commitment, the main tasks of the Committee in the field of shipping, ports, and multi-modal transport, should be as outlined above, and particularly focus on:

(a) review of shipping policies so as to identify elements leading to the development of competitive shipping sectors, in order to enhance the participation of developing countries in world shipping;

(b) consideration of conditions facilitating intra and inter-regional co-operation;

(c) exchange of information on infrastructure development, including port infrastructure;

(d) identification of human resources development needs, including on-the-job training;

(e) exchange and dissemination of information on developments in the shipping sector;

(f) the efficient conduct of multimodal transport processes; bearing in mind economic, commercial and legal aspects;

(g) review of technological developments that affect maritime transport;

(h) considering various aspects of port management operations, with a view to increasing efficiency.

(ii) The Committee should take into account the work of the Ad Hoc Working Group on Trade Efficiency on transport related information systems.

4. To analyze prospects for developing and strengthening the insurance sector and enhancing the trade of developing countries in this sector;

5. The Committee, in implementing its functions, should pay due attention to the role of services in market-oriented development, including issues related to privatization and deregulation;

6. In implementing the above, the Committee shall take into account the work undertaken by the IGE on RBPs;

7. The Committee shall ensure that its work does not duplicate or overlap the activities of the GATT.

8. The Committee will hold separate sessions on services in general, shipping and insurance respectively.

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Draft of terms of reference
Standing Committee on Commodities

Agreed text submitted by the Chairman of Drafting Group A

1. To promote sound, compatible and consistent policies, which, inter alia, take into account market trends, at national and international levels in the commodity field.

2. To undertake periodic and global reviews, studies and analyses of the situation of, and prospects for, commodities, and to compile statistical reports on commodity production, prices and trade.

3. To undertake analyses and identify approaches on commodity policies, bearing in mind both, as appropriate, Conference resolution 93(IV) and the particular characteristics and situation of individual commodities, including the particular problems of the Least Developed Countries. This work should help to achieve the following:

a) improving the functioning of commodity markets by reducing the distortions affecting supply and demand;

b) optimizing the contribution of the commodities sector to development by, inter alia, working towards greater cost-effectiveness and productivity, thereby enhancing competitiveness;

c) reviewing and comparing national policies with the aim of enhancing the competitiveness of the commodity sector, taking into account market trends;

d) achieving a gradual reduction in excessive dependence on the export of primary commodities through horizontal and vertical diversification of production and exports as well as crop substitution, within a macroeconomic framework that takes into consideration a country's economic structure, resource endowments and market opportunities;

e) progressive removal of trade barriers, i.e. trade liberalization, for commodity products;

f) improving market transparency;

g) exploring the links between commodity policies, sound management of natural resources and achievement of sustainable development;

h) exploring greater use and efficiency of various mechanisms for risk management, having in mind the objective of minimizing the risks arising from commodity market fluctuations, including market-linked price-hedging mechanisms such as commodity futures and options and related longer-term mechanisms such as commodity swaps, bonds and loans, obstacles to their potential use and modalities for overcoming them;

i) analysing problems stemming from commodity-related shortfalls of developing countries and reviewing developments in the field of compensatory financing of export earnings shortfalls.

4. To facilitate and co-ordinate activities of bodies involved in the commodity field.

5. To follow and facilitate, as appropriate, intergovernmental consultations and action among interested countries on the problems of particular commodities or groups of commodities; to analyse the need for, and encourage when considered necessary, the achievement of viable and efficient international agreements or arrangements that take into account market trends, as well as study groups, both autonomous and within UNCTAD.

6. To assist the Board in assessing the question of a world conference on commodities as provided for in the decision "World Commodity Conference" adopted at the eighth session of the Conference.

7. To assist it in its work, the Committee may have, as subsidiary organs, the Intergovernmental Group of Experts on Tungsten and the Intergovernmental Group of Experts on Iron Ore.

8. To deal with other items within the field of commodities directed to it by the Board.

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Draft terms of reference for the Standing Committee on Poverty Alleviation

Agreed text submitted by the Chairman of Drafting Group A

Pursuant to the consensus achieved at UNCTAD VIII, whereby: "States members of UNCTAD recognize that peace and prosperity are indivisible and that lasting peace and stability require effective international cooperation for the eradication of poverty",

Acting in the context of national and international efforts to combat poverty until it is eradicated,

A Standing Committee on Poverty Alleviation is established by the Trade and Development Board with the following terms of reference:

1. To contribute to national and international efforts to prevent, alleviate and reduce poverty, particularly where it is more acute, as well as to the formulation of related national and international policies, bearing in mind the diversity of country situations including the particular problems of the least developed countries and the most vulnerable population groups. The work of the Committee shall be essentially action oriented.

2. In order to achieve the above objectives, the Committee shall:

(a) Review existing information and analyses on the characteristics, causes, location, dimensions and dynamics of poverty, as well as on related indicators.

(b) Exchange and review national experiences in dealing with poverty; identify impediments to poverty alleviation with a view to promoting greater understanding of successful national policies; and identify policy options for the prevention and alleviation of poverty.

In this context, the Committee, while taking into account the need for an integrated approach for efficient action towards poverty alleviation, shall focus, inter-alia, on the following areas: human resource and community development; social infrastructure development; employment creation and increasing productivity of the poor; distribution of income and social benefits of development in rural and urban areas; and social safety nets; and policies to promote the access of the poor to productive assets. In doing so, the Committee should bear in mind the impact of structural reform programmes on poverty alleviation and the need for increased participation of the poor and vulnerable groups in development.

(c) Exchange views on the impact of development assistance and cooperation programmes, including emergency assistance programmes, on the alleviation and reduction of poverty and develop approaches to promote effective programmes.

(d) Consider questions related to the financing and organization of social development programmes in developing countries, particularly in the areas of health, education, housing and sanitation.

(e) Examine the impact of trade expansion on poverty alleviation.

(f) Identify the linkages between the alleviation of poverty and the achievement of sustainable development.

(g) Examine the relationship between migrations and other demographic factors, and poverty alleviation.

3. In carrying out its functions, the Committee shall draw on the experience and expertise of other intergovernmental bodies, non-governmental organizations, experts from various fields and others for the purpose of discussion and clarification of issues on poverty alleviation.

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Draft of terms of reference
Ad hoc Working Group on Investment and Financial Flows;
Non-debt Creating Finance for Development; New Mechanisms for Increasing Investment and Financial Flows

Agreed text submitted by the Chairman of Drafting Group A

1. To examine issues, developments and policies in the fields of non-debt creating finance for development and new mechanisms for increasing investment and financial flows for development.

2. To examine country experiences in attracting investment flows and non-debt creating finance for development, in order to identify positive factors as well as major impediments to investment and financial flows. In that respect:

(a) To consider policies that would improve the climate for investment through fostering macro-economic stability and structural reforms, adequate legal protection of investment, market liberalization, regulatory frameworks for foreign investment and direct incentives.

(b) To consider measures for attracting investment such as international investment protection arrangements, bilateral investment and double taxation treaties, as well as innovative incentives and promotional measures that could be adopted by developed countries and multilateral financial institutions.

(c) To review different approaches to promote investment-related financial flows including, inter alia, debt swap programmes, foreign portfolio investment and export processing zones.

(d) To identify policies and measures which could contribute to the return of flight capital.

(e) To examine the role and possible improvement of ODA in promoting/supporting domestic investment efforts.

3. To explore new mechanisms aimed at increasing investment and financial flows involving equity and non equity-based finance and other market-based instruments.

In general provisions:

"E. The work of the Ad Hoc Working Group should complement that of other international bodies, particularly the Group of 24, the Development Committee and the Development Assistance Committee of the Organisation for Economic Cooperation and Development, while seeking to ensure that no duplication occurs."

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Draft of terms of reference Ad Hoc Working Group on interrelationship between investment and technology transfer

Agreed text submitted by the Chairman of Drafting Group A

1. To examine, using case studies, the interrelationship between investment flows, particularly to developing countries, including least developed countries, and the transfer, absorption and generation of technology and related policy measures

2. (a) To identify the main factors conducive to technology transfer through foreign investment that will facilitate technology flows and increase technological absorptive capacities.

(b) To analyse the role of intellectual property protection in international investment and technology flows and in the development of endogenous technological capabilities.

3. To examine through case studies, the role played by private firms, governments and international organizations in the transfer of technology, related improvement of entrepreneurial capabilities, and in the creation and dissemination of technology, including investment in R & D and training.

GE.92-55400

4 To consider the impact of technological change, including new and emerging technologies, on investment decisions and production patterns, trade competitiveness and national capacities for innovation and adaptation. To consider also, the role of foreign investment in technology transfer and technology development, including organizational technology.

5. To examine and encourage new initiatives and exchange of experiences on investment and technology policies that are conducive to overcome constraints and facilitate technology transfer through investment, and the generation, transfer and diffusion of technology, including environmentally sound technologies which have an impact on competitiveness and development.

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DRAFT GENERAL PROVISIONS FOR THE TERMS OF REFERENCE

Agreed text submitted by the Chairman of the Working Group of the Whole

A. Pursuant to General Assembly resolution 1995 (XIX), as amended, and to A New Partnership for Development: the Cartagena Commitment adopted at the eighth session of the United Nations Conference on Trade and Development, a Standing Committee/ad hoc Working Group on ..... is established by the Trade and Development Board with the following terms of reference:

[terms of reference of the respective Committee/Working Group to follow]

B. The work of the Committee/Working Group should follow a progressive sequence in accordance with paragraphs 49 to 60 of the Cartagena Commitment. In line with what is set out in the Cartagena Commitment, particularly paragraphs 18 and 47, the Committee/Working Group should be inspired by the need to promote international consensus on principles and strategies for policy action at the national and international levels to enhance the development prospects of member States, particularly those of developing countries. It should provide a forum for the exchange of experiences among member States so as to enable them to draw appropriate lessons for the formulation and implementation of policies at the national and international levels and for international economic cooperation.

GE.92-55425

C. In its work, the Committee/Working Group should take due account of the diversity of country situations and experiences. It may base its work on country reviews by the secretariat and seek from relevant countries the presentation of studies on their national experiences. It could also, depending on the issue, seek the participation of, and draw on the experience and expertise of, non-governmental actors, particularly enterprises, trade unions, the academic community and non-governmental organizations as well as representatives of international institutions.

D. The Committee/Working Group should identify for consideration areas in which technical cooperation should be strengthened.

E. The work of the Committee/Working Group should be coordinated with that of other Committees and Working Groups.

F. The work of the Committee/Working Group should complement that of other international bodies while seeking to ensure that no duplication occurs.

G. The Committee/Working Group may recommend for the consideration of the Board the establishment of expert groups.

H.(i) The Committee shall submit periodic reports to the Trade and Development Board on its work. In accordance with para. 68 of the Cartagena Commitment the Board will conduct a review and evaluation of the work programme of the Committee midway between Conferences.

H.(ii) The Working Group shall complete its work within two years of the adoption of its terms of reference. It may submit interim reports and shall submit a final report on the results of its work to the Trade and Development Board.

I. The frequency of sessions of the Committee/Working Group is to be decided by the Board in accordance with the existing procedures concerning the calendar of meetings. The duration of the sessions should be of five days or less.

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The Trade and Development Board in Executive Session

Draft text submitted by the the Chairman of
the Working Group of the Whole
(as amended)

Pursuant to paragraph 67 of the Cartagena Commitment, the Trade and Development Board (TDB) adopts the following guidelines for its meetings in executive session (hereafter referred to as "executive sessions of the Board").

1. The executive sessions of the Board will facilitate the strengthening of the policy function of the TDB in adapting the organization's work to changing worldwide economic circumstances, reviewing work programmes and priorities, promoting greater efficiency and reacting to reports from its subsidiary bodies in order to give impetus to ongoing work.

2. The executive sessions will be convened at the level of Permanent Representatives at regular intervals, and at any time the President of the Board, in consultation with the Secretary-General of UNCTAD and with the member States, deems it necessary, in half-day or one day sessions. One of these sessions shall take place immediately before each part of the regular sessions of the TDB. The agenda for each executive session of the Board will be agreed upon sufficiently in advance to ensure adequate preparation. Each executive session of the Board should be preceded by an appropriate consultative process.

3. The executive sessions of the Board may provide guidance to its subsidiary bodies and take action on the outcomes of the meetings of these bodies; take action on procedural and organizational matters; and provide timely preparation of the issues to be considered by the regular sessions of the TDB.

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Draft decision submitted by the Chairman of the Working Group of the Whole

The Trade and Development Board,

Considering the importance of making available for socially productive use the funds released by the reduction of military expenditures,

Decides to consider at the earliest opportunity the establishment of an Ad Hoc Working Group to explore questions related to the issue of structural adjustment for the transition to disarmament and the implications for economic growth and development of reductions of military expenditures, taking into account the specific and individual situation of countries, in line with paragraphs 24, 98 and 99 of the Cartagena Commitment.

GE.92-50951